

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

PROGRESSIVE ADVANCED)
INSURANCE COMPANY,)
Plaintiff,) Case No. 18-00615-CV-W-ODS
vs.)
FELICIA L. RHODES, et al.,)
Defendants.)

ORDER FINDING DEFENDANT FELICIA RHODES IN DEFAULT

On September 25, 2018, Plaintiff sought leave to amend its complaint. Doc. #15. In its motion, Plaintiff informed the Court that it had contacted counsel for Defendant Felicia Rhodes about Plaintiff's request to amend and Rhodes's potential agreement thereto, but counsel was unavailable. *Id.* at 2. After Rhodes failed to timely oppose Plaintiff's motion and for good cause, the Court granted Plaintiff's motion. Doc. #18. Plaintiff filed its Amended Complaint on October 10, 2018. Doc. #19.

On January 9, 2019, the Court issued an Order to Show Cause. Doc. #25. Therein, the Court directed Plaintiff to show cause why its claims against Defendants Adams, Corredor, and Jackson should not be dismissed for failure to effect service. *Id.* The Court also directed Rhodes to show cause why she had not filed her answer. *Id.* The Court warned both parties that the failure to respond to the Order to Show Cause within two weeks may result in dismissal of Plaintiff's claims against Adams, Corredor, and Jackson, and/or entry of judgment against Rhodes without further notice. *Id.*

Plaintiff responded immediately to the Order to Show Cause, and asked for additional time to serve Adams, Corredor, and Jackson. Doc. #26. Rhodes failed to timely respond to Plaintiff's motion. For good cause and without opposition from Rhodes, the Court granted Plaintiff's request, and directed Plaintiff to serve Adams, Corredor, and Jackson by February 8, 2019. Doc. #27.

More than two weeks have passed since the Order to Show Cause was issued. According to the Court's CM/ECF system, the filings in this matter (including the parties'

filings and the Court's Orders) were sent via email to Rhodes's counsel of record, Willis Toney, at the email address he provided to the Court. But Rhodes has not filed anything in response to the Order to Show Cause. The Court is left with no choice but to find Rhodes in default.

At this time, Plaintiff's claims against Adams, Corredor, and Jackson are still pending. Accordingly, the Court will address remedies sought by Plaintiff against Rhodes after resolution of Plaintiff's claims against the remaining Defendants.

IT IS SO ORDERED.

DATE: January 28, 2019

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT